

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JENNIFER MENDOZA, Individually,	§	
and a/n/f of A.M.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 09-cv-3895
	§	JURY DEMAND
KLEIN INDEPENDENT SCHOOL	§	
DISTRICT, W. SCOTT CROWE and	§	
STEPHANIE LANGNER, in their	§	
individual and official capacities	§	
	§	
Defendants.	§	

PLAINTIFF AND DEFENDANTS' JOINT MOTION FOR
CONFIRMATION OF MINOR SETTLEMENT

Plaintiff Jennifer Mendoza, individually, and a/n/f of A.M., a minor ("Plaintiffs"), and Defendant Stephanie Langner ("Langner") file their Joint Motion for Confirmation of Minor Settlement as follows

1. Plaintiffs filed their lawsuit on December 4, 2009, asserting claims under 42 U.S.C. §1983 and state law against Defendants for alleged violations of their constitutional rights, and various state law claims.

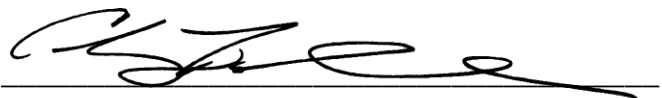
2. On April 5, 2011, the Court entered an Order adopting Magistrate Johnson's Memorandum and Recommendation, which granted Crowe's and KISD's motions for summary judgment on all of Plaintiffs' claims, and granted Langner's motion for summary judgment on Plaintiffs' state law claims, leaving Plaintiff A.M.'s § 1983 Fourth Amendment claim against Langner as the only remaining live claim.

3. Plaintiffs and Langner have agreed to settle all claims asserted or which could have been asserted based on the events alleged in the pleadings in this lawsuit.

4. As noted above, this case involves a minor. Other than the payment of attorney's fees and expenses, all of the settlement monies will be for the sole benefit of the minor child, to be paid into the Court's registry. Therefore, neither party anticipates the need for an appointment of an ad litem. *See Burke v. Smith*, 252 F.3d 1260, 1264 (11th Cir. 2001) (finding that "unless a conflict of interest exists between the representative and minor, a district court need not even consider the question whether a guardian ad litem should be appointed") (citation omitted). The parties request that the Court schedule and conduct a hearing concerning the minor settlement, and approve the parties' Settlement Agreement and Release.

Respectfully submitted,

ROGERS, MORRIS & GROVER, LLP



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by permission – Christopher M. Miller

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ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2011, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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Counsel for Defendants